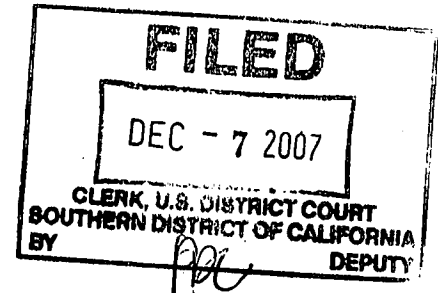


CHAVEZ-CUEVAS, JOSE MARIA
Reg. No.: 03200-298
California City Correctional Center
P.O. Box 3001-0001
California City, CA 93504

IN PROPRIA PERSONA



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

'07 CV 2311 GT

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Defendant.

CHAVEZ-CUEVAS, JOSE MARIA

PRO SE
MOTION FOR TIME REDUCTION
BY AN INMATE IN FEDERAL
CUSTODY UNDER TITLE
28 U.S.C. § 2255

Criminal Case Number: 07CR0790-GT

COMES NOW, the Defendant **CHAVEZ-CUEVAS** In Propria Persona, Requesting this Honorable Court for a time reduction based on the following grounds. Memorandum of points and Authorities established by this Motion, factual basis. Under the Attorney General Memorandum dated April 28, 1995, The United States Attorney General can offer up to two (2) points downward departure if defendant accepts a final deportation order.

Because Defendant **CHAVEZ-CUEVAS** cannot be housed in a minimum security facility, or community Correctional Center based on his deportation alien status, he asks this Honorable Court to take into consideration and possibly grant Defendant **CHAVEZ-CUEVAS**

CR

a downward departure.

**FACTS OF DEFENDANT'S PRESENT
INCARCERATION**

Defendant **CHAVEZ-CUEVAS** is currently in the custody of the United States Attorney General at California City Correctional Center, P.O. Box 3001-0001, California City, CA 93504.

On or about **02-28-2007** Defendant Mr **CHAVEZ** was arrested and Indicted for Criminal charges. Mr. **CHAVEZ-CUEVAS** was Sentence in the United States District Court for the **SOUTHERN** District of **CALIFORNIA** to a term of **48** months and **1** years Supervise Release.

**THE DEFENDANT IS SEEKING RELIEF DUE TO THE FOLLOWING
POINTS AND AUTHORITIES**

- (1) Equal Protections Rights Pursuant to XIV Amendments to the United States Constitution.
- (2) Due Process, V Amendment.
- (3) Equal Rights Act no person shall be discriminated, regardless of race, color, sex, religion, or Nationlity.

A united States Citizen is entitled to different privileges due to his or her origin like one (1) year reduction of sentence through a drug program three months half-way house to prepare to re-assimilate, a Unicorn job, with good wages and other benefits.

An alien is deprived of his benefits or privileges due to his or her status and find himself/herself committed to harsher time, or sentence due to his or her status in the United States of America.

Both a United States Citizen and an alien inmate/resident live and comport by the same rules, policies, privileges and standards of such Institution.

Therefore Defendant Mr. CHAVEZ-CUEVAS prays that the ~~Honorable~~ Court grant him all relief to which he may be entitled in this proceeding.

This Motion is submitted in good faith, and pursuant to V and XIV Amendments that guaranteed rights protection of the United States of America Constitution.

RESPECTFULLY SUBMITTED,

x 
AFFIANT

Cc: CHAVEZ-CUEVAS, JOSE MARIA
03200-298

Dated: 12-01-07

CASE NAME: CHAVEZ-CUEVAS, JOSE MARIA VS. UNITED STATES OF AMERICA

CASE NUMBER: 07CR0790-GT

I, the undersigned, herby affirmed that on this 01 day of DECEMBER
2007, I deposited in the recepticle for the United States mail
provided at this Institution for inmates, first class pre-paid
postage, in a sealed envelope and addressed to:

CLERK OF THE COURT
UNITED STATES DISTRICT COURT
800 FRONT STREET SUITE 4290
SAN DIEGO, CA 92101-8900

(1) ORIGINAL

(2) COPIES

a true and correct copy of the attached document(s) identified as
follows:

PRO SE
MOTION FOR TIME REDUCTION
BY AN INMATE IN FEDERAL
CUSTODY UNDER TITLE
28 U.S.C. § 2255

In accordance with Houston V. Lack 487 U.S. 266 (1988) these documents
are deemed filed and served as of this date. Pursuant to 28 U.S.C.
§1746(2). I further declare under the penalty of perjury that the
foregoing is correct and true.

DATED: 12-01-07


AFFIANT

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Jose Maria Chavez-Cuevas

DEFENDANTS

United States of America
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY POZ DEPUTY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Kern

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jose Maria Chavez-Cuevas 03200-298
California City Correctional Center
PO Box 3001-0001
California City, CA 93504

ATTORNEYS (IF KNOWN)

07 CV 2311-GT
U.S. Attorney

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PT | DEF | | PT | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2255

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act 220 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input checked="" type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 12/7/07

SIGNATURE OF ATTORNEY OF RECORD

POZ